

ORIGINAL

September 5, 2003

VIA MESSENGER

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445-12th Street, S.W.
Washington, D.C. 20554

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Re **Notice of Ex Parte Presentation**
WT Docket No. 99-87

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SEP - 5 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Ms. Dortch:

On behalf of The Private Wireless Mining Coalition ("PWMC"), and in accordance with Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206(b), undersigned counsel hereby submits the instant notice of *ex parte* presentation.

Specifically, on September 4, 2003, undersigned counsel, along with Robin Alejandro, Paralegal for Phelps Dodge Corporation, met with D'Wana Terry, Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau ("WTB"), and Scot Stone, Deputy Chief, Policy and Rules Branch, Public Safety and Private Wireless Division, WTB, John Borkowski, Assistant Division Chief, Public Safety and Private Wireless Division and Herb Zeiler, Deputy Chief, Public Safety and Private Wireless Division. In the meeting, PWMC discussed the proposal submitted by it in its "Petition For Reconsideration" in the above-captioned proceeding. In particular, the discussion focused on PWMC's proposal that - if proposed facilities are located solely in a Rural Area (as that term is defined in the PWMC Petition) - the Commission should accept for filing new 25 kHz applications and expansion 25 kHz applications for such facilities until January 1, 2013.

In addition, PWMC expressed its support of a stay of the Commission's rules that - as currently adopted - will prohibit non-public safety licensees from filing new and expansion 25 kHz applications six months after publication of the Second Report and Order and Second Further Notice of Proposed Rule Making (FCC 03-34) ("Second R&O") in the Federal Register. Specifically, PWMC supports the Petitions For Stay filed in this proceeding by the Association of American Railroads ("AAR") and the Association of Public Safety Communications Officials-International, Inc. ("APCO"). Unless these rules are stayed soon, PWMC Members will be forced in the very near future to begin allocating substantial resources, and to incur substantial expenses, in anticipation of large-scale conversions of their 25 kHz systems, despite the fact that the Commission has yet to rule on the numerous Petitions for Reconsideration filed by interested parties in this proceeding, including the Petition filed by PWMC. Accordingly, PWMC agrees with AAR and APCO that it is clearly in the public interest for the Commission to act quickly to stay its rules prohibiting 25 kHz licensees from filing new and expansion 25 kHz applications six



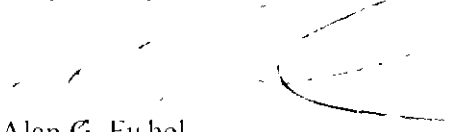
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months after publication of the Second R&O in the Federal Register until after the Commission has ruled upon each of the pending Petitions for Reconsideration filed in this proceeding.

In accordance with 47 C.F.R. §1.1206(b), it is noted that an original and one (1) paper copy of this letter is being filed.

Please do not hesitate to contact the undersigned with any questions that may arise with respect to this filing.

Respectfully submitted,



Alan G. Fishel
Jeffrey Rummel

Attorneys for the Private Wireless Mining Coalition

cc D'Wana Terry, Chief
Public Safety and Private Wireless Division, Wireless Telecommunications Bureau

Scot Stone, Deputy Chief
Policy and Rules Branch
Public Safety and Private Wireless Division

John Borkowski, Assistant Division Chief
Public Safety and Private Wireless Division

Herb Zeiler, Deputy Chief
Public Safety and Private Wireless Division